

BOIES, SCHILLER & FLEXNER LLP  
RICHARD J. POCKER (NV Bar No. 3568)  
300 South Fourth Street, Suite 800  
Las Vegas, NV 89101  
Telephone: 702.382.7300  
Facsimile: 702.382.2755  
rpocker@bsflp.com

MORGAN, LEWIS & BOCKIUS LLP  
BENJAMIN P. SMITH (*pro hac vice*)  
One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: 415.442.1000  
Facsimile: 415.442.1001  
benjamin.smith@morganlewis.com

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP  
WILLIAM A. ISAACSON (*pro hac vice*)  
KAREN DUNN (*pro hac vice*)  
2001 K Street, NW  
Washington, DC 20006  
Telephone: 202.223.7300  
Facsimile: 202.223.7420  
wisaacson@paulweiss.com  
kdunn@paulweiss.com

JAMES C. MAROULIS (*pro hac vice*)  
ORACLE CORPORATION  
500 Oracle Parkway, M/S 5op7  
Redwood City, CA 94070  
Telephone: 650.506.4846  
Facsimile: 650.506.7114  
jim.maroulis@oracle.com

*Attorneys for Plaintiffs Oracle USA, Inc.,  
Oracle America, Inc., and Oracle  
International Corp*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;  
ORACLE AMERICA, INC.; a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
and SETH RAVIN, an individual,

Defendants.

**Case No. 2:10-cv-00106-LRH-VCF**

**ORACLE USA, INC, ORACLE  
AMERICA, INC. AND ORACLE  
INTERNATIONAL  
CORPORATION'S OPPOSITION  
TO RIMINI'S MOTION TO  
MODIFY SCHEDULING ORDER  
RE ORACLE'S BILL OF COSTS**

1 **I. INTRODUCTION**

2 As part of its Order finding Rimini in contempt for violating the Court’s Permanent  
3 Injunction, the Court awarded Oracle reasonable attorneys’ fees and costs, providing that “Oracle  
4 shall file a bill of fees and costs within 30 days of the filing of this Order. Rimini shall have 30  
5 days from the date of Oracle’s filing to object.” ECF No. 1548 at 56. After Rimini filed its  
6 Notice of Appeal, the Court ordered briefing on the same 30-day schedule to begin after “a  
7 decision and mandate from the Ninth Circuit.” ECF No. 1552 at 2. Now, 18 months later, after  
8 the Ninth Circuit affirmed the Court’s contempt findings for issues one through four and  
9 remanded solely for the purpose of recalculating sanctions, Rimini seeks to further delay briefing  
10 on Oracle’s fees and costs. Rimini’s request should be denied.

11 The Court twice ordered a 30-day briefing schedule. There is no basis for the Court to  
12 reconsider its order now. Rimini attempts to justify its request for delay by asserting that an  
13 award of fees and costs is somehow dependent on this Court’s recalculation of a sanction amount.  
14 This is false, and Rimini offers no authority for its assertion other than a self-serving conclusion  
15 that it purportedly “makes sense.” The Court should reject Rimini’s request to delay and leave its  
16 existing scheduling order in place.

17 **II. ARGUMENT**

18 **A. Rimini Provides No Legal Basis for Its Request.**

19 In its bid to delay further having to comply with this Court’s Order and pay the attorneys’  
20 fees and costs owed to Oracle, Rimini asserts (without citing any authority whatsoever) that “any  
21 imposition of fees and costs must be proportionate to the sanctions award as a matter of due  
22 process.” Rimini is mistaken. In its Order holding Rimini in contempt, the Court’s award of fees  
23 and costs was based on the contempt findings, not on the accompanying sanctions. ECF No.  
24 1548 at 55. The Court held that “[i]t is well settled that an award of attorney’s fees and costs is  
25 appropriate in civil contempt proceedings.” *Id.* at 55:3-5 (citing *Perry v. O’Donnell*, 759 F.2d  
26 702, 705 (9th Cir. 1985) (noting that “[a]ttorneys’ fees frequently must be expended to bring a  
27 violation of an order to the court’s attention”)). The Court instructed that “Oracle’s briefing  
28 should thoroughly describe and substantiate its claim for fees and costs *related to bringing*

*Rimini's contemptuous behavior to the Court's attention."* *Id.* (emphasis added). There is no connection between the amount of Oracle's attorneys' fees and costs and the Court's recalculation of sanctions, and Rimini offers no legal authority to the contrary. Without authority as to why the Court should extend this litigation further by staying the fees and costs briefing in favor of recalculating sanctions, Rimini's motion must be denied. *See Mantra Band, LLC v. Circoli Inc.*, No. 8:19-cv-00464-JLS-ADS, 2019 WL 8108728, at \*4 (C.D. Cal. Sept. 30, 2019) ("A movant's failure to provide relevant legal authority in support of their argument is grounds for denial") (citing cases).

**B. The Court's Original Briefing Timing Is Sufficient.**

The Court should reject Rimini's request that each party receive an additional 30 days to submit their bill of costs briefing. While Rimini is correct that the Court allowed longer briefing periods for the first *Rimini I* attorneys' fees briefing and the *Rimini II* attorneys' fees briefing, the briefing here is far less complex (as reflected in the smaller allotment of additional pages the parties requested, ECF No. 1549). The contempt proceeding had truncated discovery, briefing, and trial periods compared to the *Rimini I* and *Rimini II* periods. Also, unlike in those other briefing scenarios, the Court has already determined that Oracle is entitled to its attorneys' fees and costs; the only issue remaining to be briefed is the *amount* of fees and costs. Because the Court's existing order allocated appropriate briefing time, Rimini's request should be denied.

**III. CONCLUSION**

For these reasons, Oracle respectfully requests that the Court deny Rimini's motion in its entirety.

DATED: October 3, 2023

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Benjamin P. Smith  
Benjamin P. Smith

*Attorneys for Plaintiffs Oracle USA, Inc., Oracle  
America, Inc. and Oracle International  
Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of October 2023, I electronically transmitted the foregoing **ORACLE USA, INC, ORACLE AMERICA, INC. AND ORACLE INTERNATIONAL CORPORATION'S OPPOSITION TO RIMINI'S MOTION TO MODIFY SCHEDULING ORDER RE ORACLE'S BILL OF COSTS** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

DATED: October 3, 2023

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Benjamin P. Smith  
Benjamin P. Smith

*Attorneys for Plaintiffs Oracle USA, Inc., Oracle  
America, Inc. and Oracle International  
Corporation*